

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

SALA PRIMARY LLC,	§	
Plaintiff,	§	
VS.	§	Civil Action No. 5:16-cv-00295
UNITED STATES LIABILITY	§	
INSURANCE COMPANY AND	§	
GLENN KNIES,	§	
Defendants.	§	

NOTICE OF REMOVAL

Defendant United States Liability Insurance Company (“USLIC”) hereby gives notice of removal of the above-entitled action from the 341st Judicial District Court of Webb County, Texas, to the United States District Court for the Southern District of Texas, Laredo Division, pursuant to 28 U.S.C. § 1446. In support thereof, USLIC respectfully shows as follows:

I.
INTRODUCTION

1. On or about September 7, 2016, Plaintiff Sala Primary LLC (“Sala”) filed the lawsuit assigned Cause No. 2016CVF002350D3, styled *Sala Primary LLC v. United States Liability Insurance Company and Glenn Kries*, and assigned to the 341st Judicial District Court of Webb County, Texas. A copy of the state court file is attached as Exhibit A. In its suit, Sala seeks to recover under a commercial insurance policy issued by USLIC for storm damage to its commercial property allegedly sustained on May 11, 2015. *Pl’s Orig. Pet.* [Ex. A]. Removal based on diversity jurisdiction is proper because there is complete diversity of citizenship between the parties, and the amount in controversy exceeds \$75,000.00.

**II.
TIMELINESS OF REMOVAL**

2. On or about September 23, 2016, the undersigned counsel for USLIC received a copy of Plaintiff's Original Petition from the District Clerk in Webb County, Texas. Counsel was served with the petition as the attorney for service for USLIC, a non-admitted insurance carrier. [Ex. A]. Defendant is therefore filing this notice of removal within the 30-day time period as required by 28 U.S.C. §1446(b). *See Bd. of Regents of Univ. of Tex. Sys. v. Nippon Tel. & Tel. Corp.*, 478 F.3d 274, 278 (5th Cir. 2007).

**III.
BASIS FOR REMOVAL – DIVERSITY JURISDICTION**

3. Removal is proper because there is complete diversity of citizenship between the parties, and the amount in controversy exceeds \$75,000, exclusive of interest and costs. 28 U.S.C. §1332(a).

A. Diversity

4. This is a case between citizens of different states, and complete diversity among the parties exists and existed as of the time of filing of this lawsuit and as of the time of filing of this notice of removal. No defendant in this lawsuit is a citizen of the same state as Sala.

5. In its original petition, Sala alleges that it is a resident of Webb County, Texas. *Pl's Orig. Pet.* [Ex. A].

6. Defendant USLIC is a foreign insurance company with its principal place of business in Wayne, Pennsylvania.

7. Defendant Knies is an individual residing in Sarasota, Florida.

8. Removal is therefore proper under 28 U.S.C. § 1332(a)(1).

B. Amount in Controversy

9. Sala specifically alleges in its petition that it “seeks monetary relief of over \$200,000.00 but not more than \$1,000,000.00.” *Pl’s Orig. Pet.* at para 55. Accordingly, the amount in controversy exceeds \$75,000, excluding interest and costs. 28 U.S.C. §1332. Removal is therefore proper. *Id.*

IV.

COMPLIANCE WITH 28 U.S.C. § 1446(a) AND LOCAL RULE LR81

10. Pursuant to 28 U.S.C. § 1446(a) and Local Rule LR81 for the United States District Court for the Southern District of Texas, the following items are attached to this Notice of Removal:

1. An Index of Matters Being Filed;
2. Exhibit A – Copies of Items in the Webb County District Clerk’s file, including:
 - a. Docket Sheet;
 - b. Civil Case Information Sheet;
 - c. Plaintiff’s Original Petition;
 - d. Civil Case – Calendar Call Settings;
 - e. Citation by Certified Mail and Return as to Glenn Kries; and
 - f. Citation by Certified Mail and Return as to United States Liability Insurance Company.
3. Exhibit B - List of all counsel of record, including addresses, telephone numbers and parties represented.

**V.
VENUE**

11. Venue is proper in this district pursuant to 28 U.S.C. § 1441(a) because the state court in which this action has been pending is located in this district.

**VI.
JURY DEMAND**

12. The records for the Webb County District Clerk indicate that Sala has paid a jury fee although a formal jury demand was not filed.

**VII.
CONCLUSION AND PRAYER**

All of the prerequisites for removal are satisfied, and removal is proper pursuant to 28 U.S.C. §§ 1332(a) and 1446. Defendant United States Liability Insurance Company respectfully requests that this Court remove this lawsuit to the United States District Court for the Southern District of Texas, Laredo Division and for any other and further relief to which Defendant may be justly entitled.

Respectfully submitted,

BY: /s/ Lisa G. Mann
LISA G. MANN
Attorney-in-Charge
State Bar No. 12929200
S.D. Tex. Bar No. 6735

DEBRA BRADBERRY
Of Counsel
State Bar No. 24048362
S.D. Tex. No. 587156

BINGHAM, MANN & HOUSE
4500 Yoakum Blvd.
Houston, TX 77002
Telephone: (713) 357-9873
Facsimile: (713) 559-3050
lmann@bmh-law.com
dbradberry@bmh-law.com

ATTORNEYS FOR DEFENDANT
UNITED STATES LIABILITY INSURANCE
COMPANY

CERTIFICATE OF SERVICE

I hereby certify service of the foregoing on all counsel of record on October 6, 2016, as follows:

By Federal Express & Certified Mail, Return Receipt Requested

Larry W. Lawrence, Jr.

Michael Lawrence

LAWRENCE LAW FIRM

3112 Windsor Road, Suite A234

Austin, Texas 78703

Lory Sopchak

Cartwright Law Firm, LLP

1300 Post Oak Blvd, Suite 760

Houston, Texas 77056

Attorneys for Plaintiff Sala Primary LLC

/s/ Debra Bradberry

DEBRA BRADBERRY